

1 J. TONY SERRA #32639  
SARA ZALKIN #223044  
2 506 Broadway  
San Francisco CA 94133  
3 Telephone: 415/986-5591

4 Attorneys for Defendant  
MICHAEL MARTIN  
5  
6  
7

8 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
9 OAKLAND DIVISION  
10

11 UNITED STATES OF AMERICA,

CR 07-70574 WDB

12 Plaintiff,

13 v.

**FOURTH STIPULATION TO WAIVE  
TIME UNDER THE SPEEDY TRIAL ACT  
WITH RESPECT TO PRELIMINARY  
HEARING AND FILING OF FURTHER  
CHARGING DOCUMENTS**

14 MICHAEL MARTIN, et al.,

15 Defendants.  
16 \_\_\_\_\_/

17 This matter is scheduled for preliminary hearing or  
18 arraignment on Tuesday, January 29, 2008, at 10:00 a.m.

19 The parties have previously agreed and so stipulated to  
20 waive time for the preliminary hearing in order for counsel to  
21 have sufficient time to review the discovery and evaluate the  
22 prospect of pre-indictment resolution.

23 On December 20, 2007, counsel for all parties met and  
24 conferred. Shortly thereafter, the government circulated a draft  
25 version of a proposed plea agreement to each defendant through  
26 their respective counsel.

27 The exclusion of additional time is likely to obviate the  
28 need to consume judicial and public resources insofar as the

1 parties believe in good faith that resolution is close at hand.

2 In light of the foregoing, all of the defendants agree to  
3 waive the necessary additional time pursuant to Fed.R.Crim.P. 5  
4 and 18 U.S.C. § 3161, the Speedy Trial Act, such that the pre-  
5 liminary hearing be extended to February 26, 2008, at 10:00 a.m.

6 All of the defendants are out of custody on bond. Defen-  
7 dants each have consulted with their attorneys and understand  
8 that they have the right to a preliminary hearing or that  
9 further charging documents be presented and filed with the Court  
10 on the day of or before said preliminary hearing. Pursuant to  
11 Fed.R.Crim.P. 5.1(d), the defendants knowingly and voluntarily  
12 waive their rights to a preliminary hearing on January 29, 2008,  
13 and agree to extend the time for preliminary hearing until  
14 February 26, 2008.

15 The parties jointly request that the time between January  
16 29, 2008, and February 26, 2008, be excluded under the Speedy  
17 Trial Clock to allow defendants' counsel to effectively prepare,  
18 taking into account the exercise of due diligence. See 18  
19 U.S.C. §§ 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The parties  
20 agree that the "ends of justice served by the granting of such  
21 continuance outweigh the best interests of the public and the  
22 defendant[s] in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

23  
24  
25  
26  
27  
28  
**LAW OFFICES**

506 BROADWAY  
SAN FRANCISCO  
(415) 986-5591  
Fax: (415) 421-1331

1 For the foregoing reasons, the parties respectfully request  
2 that the matter be continued from January 29, 2008, to February  
3 26, 2008, at 10:00 a.m.

4 Dated: January 24, 2008

5  
6 Joseph P. Russoniello  
United States Attorney

7  
8 /s/ SHASHI KEWALRAMANI  
H.H. (SHASHI) KEWALRAMANI  
Assistant United States Attorney  
9

10

11 /s/ SARA ZALKIN  
SARA ZALKIN  
12 Attorney for MICHAEL MARTIN

/s/  
MICHAEL MARTIN  
Defendant

13 /s/ RANDOLPH E. DAAR  
14 RANDOLPH E. DAAR  
Attorney for JESSICA SANDERS  
15

/s/  
JESSICA SANDERS  
Defendant

16 /s/ JEROME MATTHEWS  
JEROME MATTHEWS  
17 Attorney for MICHAEL ANDERSON

/s/  
MICHAEL ANDERSON  
Defendant

18 /s/ TED CASSMAN  
19 TED CASSMAN  
LAUREL HEADLEY  
20 Attorneys for DIALLO McLINN

/s/  
DIALLO McLINN  
Defendant

21

22

23

24

25

26

27

**LAW OFFICES**

28 506 BROADWAY  
SAN FRANCISCO  
(415) 986-5591  
Fax: (415) 421-1331